

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RYAN THEODORE,

Plaintiff,

-against-

TOWN OF KENT, NEW YORK, TOWN OF
KENT POLICE DEPARTMENT, TOWN OF
KENT POLICE CHIEF KEVIN OWENS,
TOWN OF KENT POLICE OFFICER
STEVEN GASPARRINI, TOWN OF KENT
POLICE OFFICER RAYMOND
BEAUCHESNE, TOWN OF KEN
DETECTIVE JASON KNAPP,

Defendant(s).

24-CV-5414 (CS)

ORDER OF SERVICE

Cathy Seibel, United States District Judge:

Plaintiff, who is proceeding *pro se*, paid the filing fees to commence this action.

The Clerk of Court is directed to issue summonses as to Defendants Town of Kent, Owens, Gasparrini, Beauchesne and Knapp. Plaintiff is directed to serve the summons and complaint on each Defendant within 90 days of the issuance of the summonses.¹ If within those 90 days, Plaintiff has not either served Defendants or requested an extension of time to do so, the Court may dismiss the claims against Defendants under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute.

The claims against the Town of Kent Police Department are dismissed because it is an administrative arm of the Town and not a suable entity. *See Fanelli v. Town of Harrison*, 46 F.

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, the summons in this case was not issued when Plaintiff filed the complaint because he had not paid the filing fee. The Court therefore extends the time to serve until 90 days after the date the summons is issued.

Supp. 2d 254, 257 (S.D.N.Y. 1999). The Clerk of Court is respectfully directed to terminate the Town of Ken Police Department as a Defendant.

SO ORDERED.

Dated: August 26, 2024
White Plains, New York

A handwritten signature in black ink, reading "Cathy Seibel", is positioned above a horizontal line.

CATHY SEIBEL
United States District Judge